

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Frank Staples, et al., *
*
Plaintiffs, *
v. * Civil No. 1:24-cv-00331-LM-TSM
*
Christopher Sununu, Governor, et al., *
*
Defendants. *

**DEFENDANTS’ OBJECTION TO PLAINTIFFS’ MOTION FOR EXTENSION OF
TIME TO SERVE NEW DEFENDANTS UNDER FEDERAL RULE 4(M) AND
REQUEST FOR ADA REASONABLE ACCOMMODATION**

Defendants, New Hampshire Governor Kelly Ayotte, New Hampshire former Governor Christopher Sununu, the New Hampshire Attorney General, and Charles O’Leary (collectively, the “Defendants”), by and through counsel, the New Hampshire Office of the Attorney General, object to the plaintiffs’ Motion for Extension of Time to Serve New Defendants Under Federal Rule 4(m) and Request for ADA Reasonable Accommodation, stating in support thereof as follows.

1. The plaintiffs have filed a motion seeking to extend the time to serve the new defendants in this case to September 8, 2025.
2. The Court may extend time for good cause. Fed. R. Civ. P. 6(b). The plaintiffs have not established good cause here.
3. In seeking their extension, the plaintiffs claim that Plaintiff Frank Staples (“Staples”) “suffers from documented cognitive impairments resulting from head trauma” that “create substantial barriers to coordinating complex multi-defendant service across New Hampshire.” (Mot. at ¶¶ 9, 11.) The plaintiffs have not provided any sort of documentation from a medical

professional to support this assertion. Nor do they explain why Plaintiff Kathleen Bussiere (“Bussiere”) cannot complete the service requirements here.

4. The plaintiffs also point to Staples’s alleged vehicle issues, including his lack of proper registration and inspection stickers as well as mechanical problems.¹ Again, the plaintiffs fail to explain how this impacts Bussiere from completing service. Nor do they explain why they have not attempted to serve the new defendants by some other means. *See* Fed. R. Civ. P. 4(c)(2) (“Any person who is at least 18 years old and not a party may serve a summons and complaint.”).

5. Importantly, counsel with the Attorney General’s Office, which intends to file appearances in this matter for the State of New Hampshire, the New Hampshire State Police, Gregory DeLuca, and Megan Walsh once they have been served, has offered to accept service on behalf of those defendants. (Ex. 1.) The plaintiffs rejected that offer. (Ex 1.)

6. Rather, the plaintiffs appear to claim that waiving service is a form of procedural abuse. (Mot. at ¶ 20.) The Defendants deny any improper “service waiver manipulation” and “frivolous” extension requests as alleged by the plaintiffs. The plaintiffs’ arguments regarding alleged “procedural abuse” are without merit and do not establish any reason for the Court to grant an extension here.

7. To compound the confusion regarding the plaintiffs’ position regarding service waivers, they now appear to claim they “are serving waiver of service requests on all new individual defendants.” (Mot. at 25.) To undersigned’s knowledge, no such requests have been provided.

¹ Interestingly, the alleged vehicle issues do not appear to prevent Staples from using his vehicle. He admits to using it for “essential activities.” (June 26, 2025, Staples Aff. in support of Mot. at ¶ 6.)

8. That being said, the Attorney General's Office remains open to accepting service on behalf of the State of New Hampshire, the New Hampshire State Police, Gregory DeLuca, and Megan Walsh should the plaintiffs actually send counsel timely waiver requests.

9. While the Defendants understand there may be times when extensions are needed, the plaintiffs have not shown that there is such a need here.

10. Instead, the plaintiffs have refused offers to accept service and seek to needlessly extend this case, which prejudices the Defendants' ability to have a single, consolidated response deadline and does not promote the principles of judicial economy.

WHEREFORE, the Defendants respectfully request that this Honorable Court:

- A. Deny the plaintiffs' Motion for Extension of Time to Serve New Defendants
Under Federal Rule 4(m) and Request for ADA Reasonable Accommodation;
and
- B. Grant such other and further relief as justice may require.

Respectfully submitted,

KELLY AYOTTE, GOVERNOR;
CHRISTOPHER SUNUNU, FORMER
GOVERNOR; AND
JOHN FORMELLA, ATTORNEY GENERAL

By their attorney,

JOHN M. FORMELLA
NEW HAMPSHIRE ATTORNEY GENERAL

Dated: July 10, 2025

/s/ Shawna Bentley
Shawna Bentley, Bar #270149
Assistant Attorney General
Civil Bureau
NH Department of Justice
1 Granite Place South
Concord, NH 03301

shawna.bentley@doj.nh.gov
(603) 271-3650

and

CHARLES O'LEARY

By his attorney,

JOHN M. FORMELLA
NEW HAMPSHIRE ATTORNEY GENERAL

Dated: July 10, 2025

/s/ Meaghan A. Jepsen
Meaghan A. Jepsen, Bar # 266707
Attorney
Public Safety and Infrastructure Bureau
NH Department of Justice
1 Granite Place South
Concord, NH 03301
meaghan.a.jepsen@doj.nh.gov
(603) 271-3675

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via First Class Mail on July 10, 2025 to Plaintiffs' addresses as listed in the Complaint.

/s/ Meaghan A. Jepsen
Meaghan A. Jepsen